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EXAMINER

BAYARD, DJENANE M

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 06/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/777,216

Applicant(s)

WALTERS ET AL.

Examiner

Djenane M Bayard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 5-6, 12-13, 16-17, 22, 24-26 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application No. 2002/0049852 to Lee et al.

- a. As per claims 1 and 13, Lee et al teaches a method for delivery of video electronic mail from a sender client device to a receiver client device over a communications network, comprising the steps of: generating a video file at the sender client device (See page 5, paragraph [0052]); streaming the video file to a video server and storing the video file on the video server until the video file is accessed by the receiver client device (See page 7, paragraph [0080]); sending an electronic mail notification of the video file to the receiver client device (See page 2, paragraph [0019]); and streaming the video file from the video server storage in response to a request from the receiver client device (See page 4, paragraph [0042]).

- b. As per claim 5, Lee et al teaches wherein the step of sending an electronic mail notification comprises the act of transmitting an electronic mail content of the video mail

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message with an inserted link to an associated video file to a mail server of a communications network service provider (See page 4, paragraph [0042]).

c. As per claims 6,22 and 26, Lee et al teaches receiving a request for the video file from the receiver client device through a communications network service provider (See page 1, paragraph [0010]); verifying that the receiver client device is capable of receiving the video file; transmitting the video file to the receiver client device through the communications network service provider (See page 1, paragraph [0011]); and displaying the video file in a video message display window at the receiver client device (See page 2, paragraph [0020]).

d. As per claims 12 and 24, Lee et al teaches wherein the video file is deleted from the video server storage after a predetermined period of time (See page 7, paragraph [0079]).

e. As per claim 16, Lee et al teaches the claimed invention as described above. Furthermore, Lee et al teaches wherein the program instructions that stream the video file for storage on the video server comprise program instructions that enable transmission of the video file over the communications network to the video server (See page 1, paragraph [0010]).

f. As per claim 17, Lee et al teaches the claimed invention as described above. Furthermore, Lee et al teaches wherein the program instructions that send an electronic mail notification comprise program instructions that enable transmission of an electronic mail content

of the video mail message with an inserted link to an associated video file to a mail server of a communications network service provider (See page 5, paragraph [0053]).

g. As per claim 25, Lee et al teaches a video mail server system for the delivery of video electronic mail to at least one receiver client device over a communications network, comprising: a database for storing a plurality of video mail files for access by an intended receiver client device (See page 2 paragraph [0013]); a store and forward server for receiving the plurality of video mail files from a plurality of sender client devices and storing the plurality of video mail files in the database (See page 2, paragraph [0018]); and a video mail application program operable on the store and forward server to handle requests for specific video mail delivery from the at least one receiver client device (See page 2, paragraph [0018]).

3. Claim 27 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,978,835 to Ludwig et al.

a. As per claim 27, Ludwig et al teaches a client device for the sending of video electronic mail to at least one receiver client device via a video server over a communications network, comprising: a processor for controlling the generation of video mail messages (See col. 6, lines 30-33); a video camera and audio microphones connected to the processor for recording of a specific audio and video mail message in a standard format (See col. 6, lines 30-41); compression software operable on the processor for reformatting and compression of the audio and video mail message in a video mail file (See col. 9, lines 18-27); a local storage device for

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temporary storage of the specific video mail (See col. 33, lines 21-24); and a video mail user interface window for providing controls for recording and playback of video and audio content in the video mail message (See col. 6, lines 42-53).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2-3, 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent application No. 2002/0049852 to Lee et al in view of U.S. Patent Application No.

2003/0177193 to Budge et al.

a. As per claims 2 and 14, Lee et al teaches the claimed invention as described above.

Furthermore, Lee et al teaches wherein converting the video and audio content to a compressed streaming format video file; and inserting a link to the compressed video file in the video mail message window. However, Lee et al fails to teach providing a video mail message window with controls for recording and playback of video and audio content; recording video and audio content and storing the video and audio content in a standard format at the sender client device.

Budge et al teaches a system and method for generating video e-mail. Furthermore, Budge et al teaches providing a video mail message window with controls for recording and

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playback of video and audio content; recording video and audio content and storing the video and audio content in a standard format at the sender client device (See page 3, paragraph [0031] and paragraph [0032]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate providing a video mail message window with controls for recording and playback of video and audio content; recording video and audio content and storing the video and audio content in a standard format at the sender client device as taught by Budge et al in the claimed invention of Lee et al in order to create video-audio files that are electronic-mail ready that can be sent using any personal computer (See page 2, paragraph[0022]).

b. As per claims 3 and 15, Lee et al in view of Budge et al teaches the claimed invention as described above. Furthermore, Lee et al teaches generating a video file further comprises the act of adding a text message to the video mail message window (See page 5, paragraph [0053]).

6. Claims 4 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent application No. 2002/0049852 to Lee et al in view of U.S. Patent No. 5,832,208 to Chen et al.

a. As per claim 4, Lee et al teaches the claimed invention as described above. Furthermore, Lee et al teaches transmitting the video file over the communications network to the video server; receiving the video file from the sender client device (See page 2, paragraph [0019]);

storing the video file in a database at the video server (See page 2, paragraph [0018]). However, lee et al fails to teach verifying the integrity of the video file and testing the video file for virus contamination

Chen et al teaches an anti-virus agent for use with databases and mail servers.

Furthermore, Chen et al teaches verifying the integrity of the video file and testing the video file for virus contamination (See col. 5, lines 6-15).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate verifying the integrity of the video file and testing the video file for virus contamination as taught by Chen et al in the claimed invention of Lee et al in order to detect and remove computer virus that may be in e-mail attachments (See col. 5, lines 3-5).

b. As per claim 21, Lee et al teaches a computer readable medium containing a computer program product operable on a video server for delivery of video electronic mail to a receiver client device over a communications network, the computer program product comprising: program instructions that enable receiving of the video file from the sender client device (See page 2, paragraph [0019]); and program instructions that stream the video file from the video server database in response to a request from the receiver client device (See page 4, paragraph [0042 and program instructions that store the video file in a database at the video server (See page 2, paragraph [0018]). However, Lee et al fail to teach a program instructions that verify the integrity of the video file and test the video file for virus contamination.

Chen et al teaches a program instructions that verify the integrity of the video file and test the video file for virus contamination and program instructions that store the video file in a database at the video server (See col. 5, lines 6-15)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate as taught by Chen et al in the claimed invention of Lee et al in order to detect and remove computer virus that may be in e-mail attachments (See col. 5, lines 3-5).

7. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent application No. 2002/0049852 to Lee et al in view of U.S. Patent No. 5,978,835 to Ludwig et al.

a. As per claim 7, Lee et al teaches the claimed invention as described above. However, Lee et al fails to teach wherein the program instructions that enable transmission of the video file to the receiver client device comprise program instructions that send the video file in packets over the communications network to a buffer in the receiver client device.

Krebs et al teaches wherein the program instructions that enable transmission of the video file to the receiver client device comprise program instructions that send the video file in packets over the communications network to a buffer in the receiver client device (See col. 33, lines 17-26).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the program instructions that enable transmission of the video file to the receiver client device comprise program instructions that send the video file in packets over the communications network to a buffer in the receiver client device as taught by Krebs et al in the

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claimed invention of Lee et al in order to produce a multimedia collaboration system (See col. 2, lines 66-67).

b. As per claim 8, Lee et al teaches the claimed invention as described above. However, Lee et al fails to teach wherein the act of displaying the video file comprises the acts of: launching a video player at the receiver client device and sending the contents of the buffer continuously to the video player.

Ludwig et al teaches launching a video player at the receiver client device and sending the contents of the buffer continuously to the video player (See col. 33, lines 21-26)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate launching a video player at the receiver client device; and sending the contents of the buffer continuously to the video player as taught by Ludwig et al in the claimed invention of Lee et al in order to free up audio/video network ports and compression / decompression engine on the server (See col. 33, lines 28-31)

8. Claims 9-10 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent application No. 2002/0049852 to Lee et al in view of U.S. Patent Application No. 2003/0177193 to Budge et al as applied to claim 2 above, further in view U.S. Patent No. 6,711,587 to Dufaux.

a. As per claims 9-10 and 18-19, Lee et al in view of Budge et al teaches the claim invention as described above. However, Lee et al in view Budge et al fails to teach wherein the compressed streaming file format is Advanced Streaming Format (ASF).

Dufaux et al teaches a keyframe selection to represent a video. Furthermore, Dufaux et al teaches wherein the compressed streaming format can be any format (See col. 4, lines 27-32).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the compressed streaming format can be any format as taught by Dufaux et al in the claimed invention of Lee et al in view of Budge et al in order to allow web users to access multimedia files (See col. 3, lines 15-16).

9. Claims 11 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent application No. 2002/0049852 to Lee et al in view of U.S. Patent Application No. 2003/0177193 to Budge et al as applied to claim 2 above, further in view U.S. Patent No. 5,838,906 to Doyle et al.

a. As per claims 11 and 23, Lee et al in view of Budge et al teaches the claimed invention as described above. However, Lee et al of inserting a link comprises adding a video icon representing the video file in the video mail message window.

Doyle et al teaches adding a video icon representing the video file in various media type (See col. 2, lines 22-27).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate adding a video icon representing the video file as taught by Doyle et al

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in the claimed invention of Lee et al in view of Budge et al in order to retrieve, present and manipulate data in distributed hypermedia system 9(See col. 1, lines 19-21)

10. Claim 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,978,835 to Ludwig et al in view of U.S. Patent No. 2002/0049852 to Lee et al.

a. As per claim 28, Ludwig et al teaches the claimed invention as described above.

Furthermore, Ludwig et al teaches and for transmitting the video content of the video mail message to the video server (See col. 33, lines 19-21). However, Ludwig et al fails to teach a video mail application program operable on the processor for inserting a video mail message link on the video mail user interface window, for adding a text message to the video mail message.

Lee et al teaches a global messaging with distributed adaptive streaming control. Furthermore, Lee et al teaches a video mail application program operable on the processor for inserting a video mail message link on the video mail user interface window for adding a text message to the video mail message (See page 5, paragraph [0053]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a video mail application program operable on the processor for inserting a video mail message link on the video mail user interface window, for adding a text message to the video mail message as taught by Ludwig et al in the claimed invention of Lee et al in order to communicate video message in a network without requiring any additional storage or bandwidth (See page 1, paragraph [0008]).

b. As per claim 29, Ludwig et al teaches the claimed invention as described above.

However, Ludwig et al fails to teach wherein the video mail application program transmits the electronic mail content of the video mail message, and the video mail message link to a mail server of a communications network services provider for delivery to the at least one receiver client device.

Lee et al teaches wherein the video mail application program transmits the electronic mail content of the video mail message, and the video mail message link to a mail server of a communications network services provider for delivery to the at least one receiver client device (See page 5, paragraph [0053]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the video mail application program transmits the electronic mail content of the video mail message, and the video mail message link to a mail server of a communications network services provider for delivery to the at least one receiver client device as taught by Lee et al in the claimed invention of Ludwig et al in order to communicate video message in a network without requiring any additional bandwidth and storage (See page 1, paragraph [0008]).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,233,318 to Picard et al teaches a system for accessing mailboxes and messages over the internet and via telephone.

U.S. Patent No. 5,912,697 to Hashimoto et al teaches a video mail system capable of transferring large quantities of data without hampering other data transmissions.

U.S. Patent Application No. 2001/0032246 to Fardella et al teaches a method and system for creating and sending a video e-mail.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M Bayard whose telephone number is (703) 305-6606.

The examiner can normally be reached on 7:00 AM-4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Djenane Bayard

June 16, 2004


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER